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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 40-64 are pending in the application of which claims 40-54 were rejected and claims 55-64 were cancelled without prejudice.

Claims 40-41, 43-47, 49-50 and 52-53 have been amended. The amendments do not introduce new matter.

ELECTION/RESTRICTION

The Office action indicated that the Requirement for Restriction was made final and that claims 55-64 are withdrawn from consideration. Applicants have canceled claims 55 – 64 without prejudice and reserve the right to pursue them in another application.

With respect to the restriction requirement presented in the present Office action, Applicants elect with traverse to prosecute claims 40 and 41 of Group I drawn to "each sensor associated with a respective cartridge". The election is made with traverse for the reason that the linking claim, claim 40, is allowable (see discussion Infra).

Applicants respectfully request that upon the indication of allowability of the linking claim, claim 40 claims 42 – 54 depending therefrom will be rejoined and allowed.

CLAIM REJECTIONS

35 U.S.C. § 112 Rejections

In the Office Action, the Examiner rejected claims 40-54 under 35 U.S.C. § 112 as being indefinite.

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Claim 40 was amended by replacing "to provide", "to determine", "to receive ... and to control" with "that provide", "that determine", "that receives... and that controls".

Applicants respectfully assert that amended claim 40 and claims 42-54 dependent thereon are proper under 35 U.S.C. § 112. Accordingly, the rejection of claims 40-54 under 35 USC §112 should be withdrawn.

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claim 40 under 35 U.S.C. § 102(e), as being anticipated by Varnon et al. (US 2003/0063138) (herein after "Varnon").

Applicants respectfully assert that Varnon does not teach all the features of amended Independent claim 40 and therefore cannot anticipate the claim and the claims dependent thereon.

Varnon discloses a quantized feed system having queue stations, each containing a plurality of discrete amounts of solid build material, for example in the form of small balls (see par [0048]). The discrete amounts are delivered to hoppers within the printing head where there is one hopper for each material queue station. When a hopper is low on build material, a control system activates the appropriate dispensing actuator to deliver a discrete amount of build material to its associated hopper. The building material is delivered to a particular hopper from a predetermined queue station without switching to another queue station if the first one fails. Varnon does not disclose sensors that determine the status of building materials in the queue station. The sensor disclosed by Varnon monitors the amount of flowable build material within the printing head. This sensor is located near the discharge orifice (see par. [0053] and Fig. 3) and clearly does not determine the status of build materials in any container or cartridge external to the print head.

Further, Applicants respectfully submit that neither the "queue stations" of Varnon nor the "hoppers" would be considered "cartridges" or "cartridge apparatuses" by a person skilled in the art.

Based on the above, Varnon does not teach, at least, "two or more sensors that determine the status of building materials in said cartridge apparatuses; and a controller that receives data from said sensors and controls switching of building material supply from one cartridge to another", as recited by claim 40.

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Accordingly, Applicants respectfully assert that amended independent claim 40 is allowable. Each of claims 41-54 depends, directly or indirectly, from claim 40 and therefore includes all the limitations of the claim. Therefore, Applicants respectfully assert that claims 41-54 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections under 35 U.S.C. § 102(e) of claims 40-54.

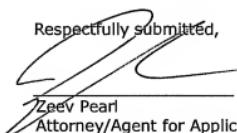
Conclusion

In view of the foregoing amendments and remarks, the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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